

HUMAN RIGHTS ISSUES IN
UNITED STATES RELATIONS WITH
ROMANIA AND CZECHOSLOVAKIA

A STAFF REPORT

PREPARED FOR THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



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(II)

LETTER OF TRANSMITTAL

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 29, 1983.

HON. CHARLES H. PERCY, *Chairman*,
HON. CLAIBORNE PELL, *Ranking Member*,
Senate Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN AND SENATOR PELL: Because of your continuing interest in U.S. relations with Romania and Czechoslovakia, we traveled to those countries to examine and discuss various bilateral issues with host country officials, U.S. Embassy personnel, and Romanian and Czechoslovak citizens. We visited Prague (January 11-13, 1983) soon after a Warsaw Pact summit there; Bucharest (January 13-15, 17, 1983) and Transylvania, Romania (January 15-16, 1983).

While in Romania, we focused our attention specifically on the issues of trade, emigration, and the treatment of ethnic groups and minorities. Also, we examined the Education Repayment Decree issued in November 1982, but not yet implemented by the date of our arrival in Bucharest.

Our meetings in Romania were expedited with the assistance of the Romanian Foreign Ministry and, for the most part, were attended by representatives of the Ministry. We had other opportunities in both countries to conduct meetings without government participation, and these meetings were most informative.

In Czechoslovakia, we focused on human rights, especially the treatment of political dissent and religious expression.

Transmitted herewith is our report of these activities.

CHARLES BERK,
ALAN SAFRAN,
NANCY STETSON,
Professional Staff Members.

(III)

CONTENTS

	Page
Letter of transmittal.....	III
Executive summary:	
Romania	1
Czechoslovakia	2
Romanian education repayment Decree, its possible effects on emigration and most favored nation status.....	3
General background.....	3
Decree provisions.....	4
Relations with the United States, the Federal Republic of Germany and Israel.....	4
Effect of Decree enforcement on Romanian MFN status and relations with the United States.....	8
Emigration from Romania to the United States.....	9
Religious and national minority life in Romania.....	11
Background	11
General observations.....	12
The Orthodox Church.....	12
The Jewish situation.....	14
The Baptists.....	16
The Roman Catholic situation.....	18
The ethnic German situation.....	18
The ethnic Hungarian situation.....	19
Political and religious expression in Czechoslovakia.....	21
General background.....	21
Human rights.....	22
The Catholic Church.....	24
Dissent	25
United States-Czechoslovak relations.....	27
Appendix A: Romanian Decree on emigrants reimbursing state.....	29
Appendix B: Listing of persons interviewed by staff.....	30

EXECUTIVE SUMMARY

ROMANIA

1. The Romanian Government explains the Education Repayment Decree as primarily a means to restrain what it perceives as a flight of educated and skilled Romanians. Secondly, Romanian officials understand that U.S. law concerning Most Favored Nation [MFN] trade status makes renewal of MFN impossible because the Decree has been implemented. They state that their own national pride was injured in the stormy public hearings over renewal of MFN for Romania which occurred in the Congress in the summer of 1982 and therefore they seek to avoid a repetition in 1983. Loss of MFN will not serve the best interests of either country.

2. U.S. immigration policy has created an incongruity in U.S. discussions with Romania regarding an increase in Romanian approvals for emigration to the United States. The Romanian Government in recent months has approved more Romanians for emigration than the U.S. Eastern European quotas can accommodate. One thousand travel-ready Romanians are awaiting departure from Romania. This backlog will grow if action is not taken to increase the quota for Romanian refugees provided in the special U.S. Third Country Processing [TCP] program.

3. The Romanian Government is increasingly sensitive to the international concerns over the treatment of the ethnic Hungarian minority, and may be seeking ways to improve its public image problem in this regard. The Hungarian minority is subject to the same restrictions as all Romanians, but the restrictions on contacts with foreign relatives and friends affect the Hungarians especially because of the cultural affinity of ethnic Hungarians for contacts with family and friends in Hungary.

4. The German minority, because of its cultural affinity for the right to own and work land, is fundamentally dissatisfied with a socialist state and a majority of the ethnic Germans desire reunification with family and friends in the Federal Republic of Germany.

5. The well-being of the Romanian Jewish community has resulted in large part from the good relationship between Chief Rabbi Moses Rosen and President Ceaucescu. There will be some cause for concern in the post-Rosen period, as new arrangements for social services, welfare and family reunification policy may be required.

6. The Baptist leadership faces considerable difficulty in obtaining permission from the Romanian Government for improving the religious life and opportunities for the rapidly-growing Baptist community.

7. Romania has considerable need for energy supplies and for foreign agreement to reschedule its sizable foreign debt. It will re-

main dependent on cooperation from Western governments and banks for the foreseeable future and will not be able to expect comparable Soviet assistance because of foreign policies which continue to diverge to some degree from the Soviet and Warsaw Pact line.

CZECHOSLOVAKIA

1. The anti-religious campaign waged by the Czechoslovak Government has intensified since the rise of Solidarity in Poland. This campaign has been directed primarily at the Catholic Church, which is the principal church in Czechoslovakia, and has manifested itself in the harassment and imprisonment of priests and lay believers.

2. Charter '77 and the Committee for the Defense of the Unjustly Persecuted [VONS], the two principal human rights groups in Czechoslovakia, continue to function despite the government's efforts to suppress them. There is a strong commitment among the members of these groups to remain in Czechoslovakia and force the Czechoslovak Government to abide by its own constitution and laws and to fulfill international commitments in the area of human rights and freedoms.

3. There are indications that the Czechoslovak Government would like to be accorded MFN status. However, discussion of this question is precluded by the poor state of United States-Czechoslovak relations.

ROMANIAN EDUCATION REPAYMENT DECREE, ITS POSSIBLE EFFECTS ON EMIGRATION AND MOST FAVORED NATION STATUS

GENERAL BACKGROUND

Since August 1975, the Socialist Republic of Romania has been accorded Most Favored Nation [MFN] trading status by the United States. This status entitles the recipient country to nondiscriminatory trade and tariff treatment in its commercial dealings with the United States. Under the Jackson-Vanik Amendment to the Trade Act of 1974, MFN status can only be accorded to a non-market economy country if that country provides its citizens with the right or opportunity to emigrate and if no more than a nominal tax or fee is imposed on such emigration. However, the Act also provides that the President may waive the "freedom of emigration" provision for 12-month periods if he determines and reports to Congress that such a waiver will substantially promote the right or opportunity to emigrate from a non-market economy country. It is pursuant to this waiver authority that three Presidents have extended Romania's MFN status each year since 1975. However, the President, or the Congress by adoption of a disapproving resolution of either House, can terminate MFN status.

On October 22, 1982, the Romanian State Council announced the enactment of an "Education Repayment Decree" signed by President Ceaucescu and effective November 1, 1982. The Decree requires Romanians who wish to emigrate to repay to the state, as a condition prior to emigration, the costs of secondary and higher education. The Decree also imposes other financial obligations on the emigrant. A copy of the Decree can be found at Appendix A.

The Education Repayment Decree came as a surprise to many in the West. Just prior to issuance of the Decree, Elliott Abrams, the U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs, had traveled to Bucharest to participate in bilateral talks with Romanian officials concerning Romanian emigration policy. In those discussions, Assistant Secretary Abrams asked the Romanian Government to shorten delays in emigration processing and to reduce harassment against those wishing to leave the country. At that time, Assistant Secretary Abrams was assured by Romanian Foreign Ministry officials that no emigration fees would be imposed. Thus, the announcement of the Education Repayment Decree was a source of great concern not only for the United States but also for the Federal Republic of Germany and Israel, all of which consider emigration to be an important bilateral issue with Romania.

On March 4, 1983, the White House announced that MFN status for Romania will be terminated, effective June 10, 1983.

(3)

DECREE PROVISIONS

While the financial burden that would be imposed by enforcement of the Decree has not been precisely established, estimates range up to \$40,000 depending upon the level and type of schooling received. For example, the price for a medical doctor to repay educational costs is estimated to approach \$40,000.

Another onerous provision of the Decree is the requirement that monies owed the state be repaid in hard currency. It is illegal for Romanians to possess hard currency. Ostensibly, such payment, therefore, cannot be made by the emigrant but must be done through a source outside Romania. It is virtually impossible for Romanians who have no such outside sources, to pay the required fees. Adding to the hardship that would be imposed by enforcement of the Decree, payments are to be made *after* the request to depart has been approved by the Romanian authorities but *before* the person desiring to emigrate has received the required exit documentation including a passport. Their procedure is an added burden since those waiting to emigrate are not treated as citizens but rather as foreign tourists in their own country. It has been reported that often in such cases individuals desiring to emigrate are harassed at their workplace or fired from their jobs and that their children and spouses are also harassed. Considering that the time between approval of the emigration request by the Romanian Government and issuance of a passport can consume months and sometimes years, the requirement for payment before receiving a passport also could very well cause emigration applications to decrease.

Other provisions of the Decree provide that from the date of approval by the government of an application to emigrate until actual departure, persons awaiting departure are required to pay in hard currency for all medical expenses, taxes and tariffs as if foreign tourists. Moreover, their assets, if deemed to be part of "the National Heritage", are subject to compulsory sale by the state at a price established by the state. Any buildings and land belonging to those departing pass into state ownership. The Decree does provide that its provisions exclude persons who "at the date of the approval of their application for final departure, meet the age stipulations envisaged by law for receiving work pensions or old age pensions." Prior to the staff trip, it was reported by usually reliable sources that the fees related to medical expenses, sale of real property and transportation for emigrants were being applied in a few cases.

RELATIONS WITH THE UNITED STATES, THE FEDERAL REPUBLIC OF GERMANY AND ISRAEL

For the most part, Romanians emigrate to three countries. During 1982, the United States admitted approximately 2,450 Romanians compared to 2,350 in 1981; the Federal Republic of Germany admitted approximately 12,000 ethnic German Romanians during 1982, about the same as in each year since 1978; and Israel admitted approximately 1,600 Romanian Jews during 1982, compared to 1,200 in 1981 and 800 in 1980. Family reunification is the only official purpose for which emigration is allowed by the Romanian Government.

United States

For the United States, the enforcement of the Decree was the death blow to MFN status for Romania, seriously impairing United States-Romanian trade relations. Since 1975, United States-Romanian trade grew appreciably from \$175 million to just over \$1 billion total two-way trade in 1981. Due in large part to poor international economic conditions during the latter part of 1981 and 1982, total United States-Romania trade declined for the first 11 months of 1982 to about \$550 million. Approximately 60 percent of that amount was Romanian exports to the United States, with this trade accounting for approximately 7 percent of Romania's exports. It has been estimated by the U.S. Commerce Department that if Romania's MFN status is not extended this year that it will cost the Romanian economy more than 50 percent of its exports to the United States during the first year after the cut-off. Altogether, 75 percent of Romania's top 25 exports to the United States would be affected by loss of MFN status. Since the Romanian economy is experiencing difficulties not only in producing and supplying adequate foodstuffs, but also energy and consumer goods for the Romanian people, the loss of an important expanding export market with even greater potential during a global economic recovery would be a serious setback for the Romanian economy.

Federal Republic of Germany

Application of the Education Decree would also have a serious effect on Romanian relations with the Federal Republic of Germany. In the mid-1970's, it became apparent that many ethnic German Romanians wanted to emigrate to the Federal Republic of Germany. This emigration was assisted by the FRG payment of transportation and resettlement costs. In 1978, the FRG and Romania then entered into a 5-year agreement guaranteeing commercial trade credits and German investment in Romania in exchange for continued high levels of emigration by ethnic German Romanians to the Federal Republic. It was understood that the number of emigrants would be no fewer than 10,000 per year. That agreement is scheduled to expire in June 1983. It has been surmised by some diplomatic analysts that the imposition of the Education Repayment Decree may be a Romanian negotiating tactic to induce the FRG to enter into another commercial credit arrangement in exchange for continued high levels of emigration. However, the Federal Republic is now experiencing its own high levels of unemployment which make it more difficult for the Bonn government to promote ethnic German emigration.

The situation is further complicated by Romania's precarious financial situation and poor credit worthiness. Romania is now rescheduling its commercial debt which is estimated at \$10.5 billion and has announced that it will pay no interest on these outstanding obligations during 1983. Given the difficult economic and political climate in the Federal Republic of Germany and Romania's rescheduling requirements, the expectation that further Federal Republic of Germany credits will be forthcoming may be unrealistic.

Israel

Since the end of World War II, the Romanian Government has permitted large numbers of Romanian Jews to settle in Israel. At the same time, the Israeli Government has provided assistance to those

Romanian Jews desiring to go to Israel by paying for transportation and resettlement costs. Today, there are more than 350,000 Romanian Jews in Israel. Of special note, Romania is the only Warsaw Pact country to enjoy diplomatic relations with Israel which contributes to the perception of a Romanian foreign policy that can be differentiated from that of the Soviet Union. Enforcement of the Decree against Romanian Jews desiring to go to Israel could cause a souring of Israeli-Romanian relations. This could undercut the perception of Romania as a conciliatory force in the Middle East. President Ceaucescu did, in fact, help promote President Sadat's visit to Jerusalem in 1977.

Possible motives for imposition of the Decree

It is not known for certain why the Education Repayment Decree was issued. Officials of the Romanian Foreign Ministry explained the official rationale for the Decree to the staff as follows. Romania is a developing country which provides free education to its citizens "at great expense to the state." The Decree itself is "an internal matter" not related to emigration but directed at the regulation of relations between the state and its citizens. Romania "cannot afford the luxury of training people for advanced positions who do not intend to contribute to the further development of Romanian society;" otherwise, according to these Romanian officials the country suffers a "brain drain". According to the foreign ministry officials, Romanian citizens had complained about educated persons who had left the country, characterizing their departures as acts of disloyalty to the homeland. In the view of the Romanian Foreign Ministry, when a citizen receives advanced education that person has decided to remain in Romania permanently and the Decree should, therefore, not be viewed as a retroactive measure against persons who did not contemplate the issuance of the Decree. The Foreign Ministry officials also noted that the Decree, according to their legal interpretation, did not violate international law or their obligations pursuant to the United Nations' Covenant on Civil and Political Rights since Romania had entered a reservation to the Covenant which made clear that the interests of the State in such matters are paramount and not subject to outside intervention.

Diplomatic analysts have offered other explanations for the imposition of the Education Repayment Decree. It was observed that during the 1982 Senate Finance Committee and House Ways and Means Committee hearings on the extension of MFN trading status for Romania, the Ceaucescu regime was severely criticized for its treatment of Romanian ethnic and religious minorities, and political dissidents in the country. Consequently, the Romanians may have perceived the stormy 1982 hearings as a precursor to a decision by the President or the Congress not to extend the waiver for 1983. That being the case, the Romanian Government may have wished to preempt any such action and exert its own authority to implement policies that are viewed as internal matters even if it causes increased criticism by the American Congress.

It is also certainly true that Romanian emigration has continued to increase during the past decade. Given the repressive political system, and the worsening domestic economy, the incentives to leave have become that much greater. Thus, some observers believe that the real

objective of the Decree is to make it clear not only to those who may now be considering leaving the country but also to future generations of Romanians that if they seek higher education they are making a commitment to remain in their country. If they attempt to emigrate some speculate that the financial and psychological price will be heavy. In this context, it has also been asserted that as the economy deteriorates and the popularity of the regime declines, the state security apparatus will become more active in its surveillance and control of the population. Viewed this way, the Education Repayment Decree may be a sign that concerns about internal security are now considered of greater importance than the certain setback to Romania's trade and diplomatic relations which will accrue from enforcement of the Decree.

Enforcement of the Decree

After the Decree was announced, speculation ensued about its possible application to various groups in Romania. For example, the Chief Rabbi of Romania, Moses Rosen, was quoted publicly as stating that he had it from "the highest authority" that the Education Decree would not apply to Jews wishing to be reunited with their families in Israel. Yet, on its face this statement did not take into account the generally more advanced education of those Jews desiring to go to Israel. The Romanian Government has asserted, for instance, that more than 800 Jewish physicians have gone to Israel since the late 1970's.

Ethnic German Romanians account for the largest number of persons leaving the country to seek family reunification in the Federal Republic of Germany. According to informed sources, a large proportion of the ethnic Germans are farmers who often have no more than secondary school educations. Nevertheless, concern has been expressed in the ethnic German community about the potential dampening effect the Decree may have on emigration.

As for those Romanians wishing to emigrate to the United States, their educational backgrounds and treatment by the Romanian Government follow no discernible pattern that would distinguish them from the treatment accorded other Romanian citizens desiring to leave the country. However, where Congressional attention has been focused on particular cases, such efforts have at times helped to reduce processing delays. In fact, during the summer of 1982 the Romanian Government agreed to resolve several major cases just prior to the end of the annual Congressional review of MFN.

Informed observers in Romania generally agree that the Decree has already had a chilling affect on applications for emigration. As previously noted, the decision to emigrate is often met by harassment and loss of privilege in Romania, a factor that must be taken into account by those who wish to leave. Now, the Education Repayment Decree has been added to the emigration equation as a cost that is prohibitive for most all Romanians. Therefore, it seems quite clear that those who might otherwise apply to emigrate will not do so if they *believe* that repayment for education will be required. Thus, many potential emigrants have probably adopted an anxious wait-and-see attitude on the Decree.

The Romanian Government has now confirmed that the Decree is being enforced. Confirmation of the Decree's imposition has also come from the Chief Rabbi of Romania who contrary to earlier statements now notes that the Decree applies to Jews wishing to join their families

in Israel. In one case a woman was issued exit documentation by the Romanian Government so she might join her husband in the United States. She was required to pay \$3,700 to the state for 2 years of high school education. Interestingly, though, the woman was not required to repay the costs of her husband's education although the Repayment Decree states that those who wish to leave are obligated to pay education costs granted asylum the preceding year in the United States. In another case, two engineers wishing to come to the United States have been told they will be required to pay at least \$20,000 apiece before they will be permitted to leave.

As of February 15, 1983, there were at least 24 other known cases in which persons who have been approved to leave have been told by Romanian authorities that they will be required to repay the state for the costs of their education before they will receive passports. These cases involve persons wishing to go to Holland, Italy, the Federal Republic of Germany and Canada.

It should be noted that the Romanian Government has attempted to down play the damage to bilateral relations caused by the Decree by setting this dispute apart from other matters of mutual interest.

EFFECT OF DECREE ENFORCEMENT ON ROMANIAN MFN STATUS AND RELATIONS WITH THE UNITED STATES

The enforcement of the Decree will have serious consequences for United States-Romania relations. The first effect will be loss of MFN status on June 30, 1983. The Decree has already been referred to by the State Department as a "draconian measure" and has been criticized by concerned human rights organizations both in the United States and in Europe. Senator Charles Percy, in a November 1982 public statement, said he was "distressed" by reports of the Decree because he had hoped for improved United States-Romania relations, including increased trade.

As noted earlier, the Department of Commerce has initiated a study to assess the economic loss to Romania if MFN status is terminated. While that study has not yet been completed, preliminary assessments indicate that the immediate impact would be a reduction of more than 50 percent in Romanian exports to the United States, about a \$200-\$250 million loss. Romania could probably sell some of the goods destined for the American market to markets in Western Europe, the developing world, and other socialist countries. Since Romania's largest trading partners are the Soviet Union and the Warsaw Pact countries, accounting for about 40 percent of its total trade, some of the lost U.S. markets could be replaced by sales to these countries. Such trade might also be coupled with increased sale to Romania of Soviet oil which Romania has been seeking in recent years. However, Romania's current shortage of hard currency could dampen this possibility.

Pursuant to U.S. law, enforcement of the Education Decree will make Romania ineligible for Commodity Credit Corporation or Ex-Im Bank credits. However, Romania has not been granted CCC credits since 1980 and is not expected to receive any Ex-Im Bank credits this year due to the debt rescheduling now being undertaken by the Romanian Government. Consequently, there would be no immediate loss of

credits. However, at some future time, such credits could have proven valuable to Romania if it continued to have an active trade relationship with the United States.

Another important consequence for Romania of losing MFN status is the long-term loss in Romanian access to American markets. It has taken almost 10 years for Romania to increase its trade relationship with the United States to current levels. Romanian trade officials have stated that they hoped to see two-way trade between the United States and Romania rise to \$3 billion by the mid-1980's. Much of the hoped for increase would be in the form of U.S. agricultural equipment and technology. In the absence of MFN treatment, Romania would not only lose immediate sales but valuable business contacts and expanding markets that will be replaced quickly by competitors products. Romanian markets in the United States would continue to deteriorate and might reach a much lower plateau of trade with the United States, such as Czechoslovakia's, whose trade with the United States is about 10 percent of that currently enjoyed by Romania. If MFN status were restored to Romania at a future date, it could take years to recapture the lost U.S. markets.

Finally, the loss of MFN carries important political consequences from the perspective of Romania. Non-market economy countries have traditionally viewed the extension of MFN as a prized symbol of Western acceptance.

EMIGRATION FROM ROMANIA TO THE UNITED STATES

Since 1972, legal emigration from Romania to the West has increased more than twofold reaching about 20,000 in 1982, the highest current emigration rate in Eastern Europe. In this same period, Romanian emigration to the United States also increased dramatically to about 2,450 during 1982. Romanian emigration approvals of 4,000 in 1982 far outdistanced the number actually admitted to the United States.

State Department officers in Washington and Bucharest noted that U.S. efforts to encourage unimpeded emigration from Romania have been diluted by the existing limitations on refugee admissions to the United States. Paradoxically, while the U.S. Department of State and many concerned members of Congress have urged the Romanian Government to speed up exit procedures and reduce government harassment of those wishing to depart Romania, the number of Romanians *eligible for admission* to the United States is much smaller than the number seeking admission, often with support from Members of Congress. This creates an incongruity in U.S. discussions with Romanian officials regarding emigration.

The surge in applications and actual admissions resulted from the establishment in the mid-1970's of a special Third Country Processing [TCP] program for Romania. When the TCP program was initiated, emigration to the United States from Romania was about 300 persons annually. Through the TCP program, persons who did not qualify for admission to the United States as immigrants but had been issued exit documentation by the Romanian Government were permitted to travel to Rome on Italian transit visas for processing there as refugees by the U.S. Immigration & Naturalization Service. Re-

settlement in the United States of Romanian "refugees" was then arranged by private voluntary agencies. As a precondition to admission as a refugee, each TCP person was required to have the sponsorship of a relative residing in the United States (a relative was considered to be part of a definable family). It should be remembered that when this procedure was adopted no limit existed on U.S. refugee admissions.

Passage of the Jackson-Vanik Amendment combined with the increased flexibility of the Romanian Government in permitting emigration, caused the TCP program to grow rapidly. To handle the growing volume of refugee applicants, the U.S. Embassy in Bucharest began processing Romanian refugees in Vienna as well as in Rome for resettlement in the United States. However, in the late 1970's, the Romanian Government no longer accepted Vienna as a processing point, thereby, increasing the pressure for admissions under the TCP program. By 1980, in practical terms the only way for non-immigrant Romanians to settle in the United States was through the TCP program which has been called an "end run" around the immigration laws.

However, as a result of the 1980 Refugee Act, the flexibility inherent in the TCP program was substantially eliminated. Pursuant to the Refugee Act and in consultation with the House and Senate Judiciary Committees, a limit of 2,300 was established for 1982 TCP admissions. For fiscal year 1983, this number is being reduced by an additional 1,200-1,300 admissions. At the same time, as these reductions are being proposed the American consul in Bucharest reports a processing backlog of more than 1,000 persons who have received their exit documents and are awaiting passage to Rome. This was due in part to an unexpected surge in departure approvals by the Romanian Government prior to implementation of the Education Repayment Decree. The same officials, as well as other Embassy officials in Bucharest, estimate that an additional 8,000-9,000 Romanians have registered for admission to the TCP program but have not yet been issued the required travel documents by the Romanian Government. In an effort to stem the growth of this backlog, registration in the TCP program was suspended in September 1982, and those applying between January and September 1982 were informed that their admission to the United States could not be guaranteed.

The Romanian Government has continued to issue exit documents to Romanians who were registered in the TCP program prior to September 1982, but for whom TCP slots are not yet available. These people may have a very long wait for passage to Rome—possibly more than 2 years. It is, therefore, quite possible that thousands of Romanians who applied in good faith prior to January 1982 for admission to the TCP program, at great personal risk, will find themselves strangers in their homeland with no reasonable expectation of admission to the United States unless additional refugee admissions are authorized. The backlog of pending TCP applicants could probably be eliminated within 2-4 years if numbers for Soviet or other refugees whose *actual* admission fall far short of authorized admissions are shifted to the TCP program on a provisional basis.

RELIGIOUS AND NATIONAL MINORITY LIFE IN ROMANIA

BACKGROUND

The staff delegation met with most of Romania's principal religious and national minority leaders, including the Orthodox Patriarch, Justin Moisescu; the Chief Rabbi, Moses Rosen; the President of the Baptist Union, Cornel Mara; the head of the Roman Catholic Archdiocese, Monsignor Francisc Augustin; the head of the German Lutheran community, Bishop Albert Kline; the head of the Hungarian Reformed Church, Bishop Gyula Naj; and other unofficial observers and participants in the religious life of Romania. In addition, the staff delegation met for 2 hours with Mr. Ion Rosianu, the Director of the Department of Cults, which deals with religious affairs.

Ethnic Romanians who comprise the great majority of the population are also for the most part Orthodox, which is therefore by far the largest religious denomination. Hungarians, who number between 1.7 and 2.5 million, are either Reformed Protestants or Roman Catholics, with small numbers of Jewish and Unitarian believers. Ethnic Germans, who number over 300,000, are either Lutherans or Roman Catholics. Thus, the treatment of and policies toward a particular religious denominations are closely tied to the treatment of and policies toward a nationality, and vice versa.

Meetings with religious and national minority group representatives proved enlightening. All groups seek to handle their internal affairs with minimal interference from State officials. Each group's official leaders have made varying degrees of compromise with the State in order to remain in office.

While in favor with the State, religious leaders receive financial support, permission for new church buildings and supplies, permission for theological training and permission to maintain contacts with co-religionists abroad. In exchange, they implement faithfully the policies of the State, which seeks to maintain tight control over religious groups.

According to Article 30 of the Romanian constitution, "Freedom of conscience shall be guaranteed to all citizens of the Socialist Republic of Romania" and "Anybody shall be free to share or not to share a religious faith." Fourteen religious groups—"cults"—are officially recognized by the State, while prior to World War II, there were 60 religious groups in Romania. Most of the remainder were either violently forced to merge, as in the case of the Uniate Church into the Orthodox Church, or were outlawed by the State. Participation in any unofficial religious denomination is punishable by law.

Department of Cults

The Department of Cults is the liaison between the government and the 14 recognized religious denominations. Because of the Communist Party's philosophy of atheism, the Department of Cults seeks to discourage religious activity and, when this is impossible, to restrict it.

The Department provides funds for each of the recognized denominations, including money for salaries and the printing of religious literature. In so doing, it allows the churches to provide for some

of the needs of their congregations but at a pace prescribed by the government. The Department of Cults has authority to license priests, to approve of religious leaders, and to issue permits for the construction or organization of new churches and the expansion of existing ones. Few permits are issued, however, and some of the smaller but religiously active denominations such as the Baptists complain that the government is especially unresponsive to their requests.

GENERAL OBSERVATIONS

Several of the meetings—with the Romanian Orthodox, Roman Catholic and Hungarian Reformed leadership—reflected clearly the strict control of the Romanian Government over the mainstream churches. The leadership of the large Orthodox and Hungarian Reformed denominations, moreover, appeared to benefit materially from this accommodation with the State, as their facilities were the best maintained among those visited by the delegation.

Meetings with the Baptist, Jewish and German Lutheran leadership indicated that there are different degrees of accommodation with the State. These groups were more willing to speak frankly about their problems with the government. Presumably, their reasons for speaking frankly differed. The Baptists feel so harassed by the government that they may believe they have nothing to lose and something to gain by having their plight made known in the West. The Jewish situation is unique. Because Romania maintains diplomatic relations with Israel, the Jewish leadership in Romania has a firmer, more stable relation with the State and, therefore, may feel less obligated to avoid criticism of some government policies. Finally, the German Lutheran leadership felt freer, in the absence of the ubiquitous Foreign Minister representative assigned to the delegation, to provide candid opinions on the situation concerning ethnic Germans.

THE ORTHODOX CHURCH

The staff delegation met with the Patriarch of the Romanian Orthodox Church, Justin Moisescu. There are an estimated 16 million members of the Romanian Orthodox Church which makes it one of the three largest orthodox churches in the world.

The Patriarch affirmed that religious life in Romania is very good for the Orthodox believers and noted that the Orthodox churches are full of worshippers. In Bucharest, for example, there are 270 churches open and over 400 priests conduct daily services. The Patriarch added that, of thousands of churches in the country, 300-400 Orthodox churches in southern Romania are still unrepaired following the devastating earthquake of 1977.

The staff delegation observed that the main Orthodox church in Bucharest is in very good repair, and there was adequate heat in the church on a cold day. In addition, the church is located in a prominent area of the city next to government offices, which underscores the continuing good relationship of the Orthodox Church to the Romanian state. Traditionally, the Orthodox Church has not challenged the views of whatever government held power in Romania.

The staff delegation inquired at length into two areas. First, the delegation asked the Patriarch to explain the sources of income for his church and the ways in which various religious needs are met,

including the provision of candles, prayer books and hymnals. In addition, the staff delegation spoke at some length with the Patriarch regarding the internationally known Orthodox priest, Father Gheorghe Kalciu-Dumitreasa, who has been imprisoned since 1979.

The Orthodox Church: Observations

First, the Patriarch explained that part of the funds needed by the church come from the state, and the remainder comes from the church members themselves. As is true for all of the religious groups in Romania, the priests of the Orthodox Church receive part of their salary from the state and the rest comes from the contributions of believers. The Patriarch explained that the church has several needs that are being met. For example, the church has its own candle factories which produce candles at a sizable profit. One kilogram of candles costs 20 Romanian lei, equivalent to about \$1.75 (U.S.), and they are sold at about 150 lei, equivalent to about \$13.00 (U.S.). The Patriarch added that the factory is owned by the church, and noted that the government does have its own candle factories which also supply the Church.

The Romanian Orthodox Church derives other income from the wine produced at church-run vineyards and from the printing of calendars and books. The Patriarch explained that the church runs its own printing houses which recently printed bibles at a cost of 40 lei apiece (about \$3.50) and sold them at about 150 lei apiece (\$13.00). That is just under 10 percent of the average Romanian's monthly salary.

Father Kalciu

The best-known prisoner of conscience in Romania is Father Gheorghe Kalciu-Dumitreasa. He had spent nearly half of his 56-year life in prison before March 10, 1979, when he was arrested and later sentenced to 10 years in prison. Romanian officials say he was prosecuted for "fascist activities," and for "the transmission of information which endangers state security." Father Kalciu was a leader of the dissident Orthodox evangelical movement known as the Lord's Army's. Other members of the movement have been harassed in recent years for importing Bibles into the country, a practice which has now been entirely prohibited by the government.

Prior to his 1979 arrest, Father Kalciu had publicly denounced the demolition of an Orthodox church in Bucharest in 1977 and decried atheism as a philosophy of despair, for which he was dismissed from the faculty of the Orthodox seminary. He then initiated a series of seminars on religious matters and was sentenced in July 1979.

Since 1979, the Orthodox Patriarch has not expressed any public concern for Kalciu, even after Kalciu was reported on hunger strikes. The Patriarch explained that "there are 10,000 priests in Romania who practice the Orthodox faith and only one, Father Kalciu, has been jailed." The Patriarch argued that "in America, people are arrested for political reasons" and that he clearly understood why Kalciu was arrested. He did say that he regretted very much what happened to Kalciu, but only "because Kalciu didn't listen to the advice given to him by the church." He said that Kalciu was offered a parish in Bucharest but was charged with "trying to develop some illegal activities in the country," according to the Patriarch. When the church

asked him to give up these "preoccupations" and work as a priest, he refused.

The staff delegation reiterated to the Patriarch that there is considerable concern in the Congress and among the American public regarding the condition of Father Kalciu and the severity of his sentence. The staff delegation also requested, in the presence of a Foreign Ministry representative, a report on Father Kalciu's health. The Patriarch demurred for a moment and then asked the representative of the Ministry of Foreign Affairs to provide both to him and to the staff delegation information on the priest's current health condition prior to the delegation's departure. However, no information was provided by the Foreign Ministry and Romanian Embassy officials in Washington later said none will be forthcoming at the present time.

In a subsequent meeting with the Director of the Department of Cults, Mr. Ion Rosianu, the subject of Father Kalciu and the concern for him in the United States was again raised. Mr. Rosianu repeated the same phrase used by the Orthodox Patriarch that "of thousands of Orthodox priests in Romania, only one has been jailed." Mr. Rosianu averred that Kalciu was charged in 1979 with fascist activity and was not sentenced for his religious beliefs or for his being a maverick priest.

THE JEWISH SITUATION

The staff delegation met with the Chief Rabbi, Moses Rosen, and then attended Friday evening Jewish services at the Choral Synagogue in Bucharest. In his sermon, the Rabbi stressed that "there is no longer a Jewish problem in Romania."

However, there is some controversy regarding the status of the Jewish community. The Chief Rabbi maintains that the Romanian Jews enjoy a reasonably good life. Other observers claim that the Jewish community is subject to some latent anti-Semitism which is espoused under the pretext that the Jews live marginally better than the average Romanian non-Jewish citizen.

The Chief Rabbi notes with pride that 350,000 Jews have left Romania for Israel in the last 35 years and that he has presided during that period of time. At present, 60 percent of the Jewish community of 30,000 is over 60 years old, and the Rabbi explained that he now sees two distinct needs in the Jewish community. First, he sees a need to provide for and to facilitate the reunification of the Romanian Jewish community with family in Israel. Equally, he sees a need to provide for the needs of those Jews who remain in Romania.

In the latter regard, the Chief Rabbi noted that there are 120 synagogues, 11 restaurants serve kosher food to those who want it, there is Jewish and Hebrew education for Jewish children, and food, clothing and medical care are provided to needy Jews by the Jewish Joint Distribution Committee in Bucharest. It is clear that the Jewish community of Romania has achieved considerable cooperation from the Romanian Government in developing Jewish life and culture.

The Jewish situation: In-country welfare

Of the 29,830 Jews registered with the Chief Rabbi, nearly half (14,595) live in Bucharest and 15,235 live in the provinces. The President of the Joint Distribution Committee, Sam Edelstein, and the President of the Jewish Community of Bucharest, Theodore Blumen-

feld, showed the staff delegation the provisions in Bucharest for the distribution of food and clothing to needy Jews in the capital and in the outlying areas.

The Romanian Jewish community has the largest number of needy Jews in Eastern Europe. The Joint Distribution Committee serves 6,000 on an annual budget of over \$4 million, financed wholly by contributions from world Jewry. (In Eastern Europe, the Joint Distribution Committee also operates in Czechoslovakia, Hungary, Yugoslavia and Poland. The budget for Romania is the largest in this group.) There is no formal agreement with the government for the operation of the center in Bucharest. Rather, arrangements are worked out between the Joint Distribution Committee in New York and the Chief Rabbi in Bucharest.

The Jewish community emphasizes its efforts not only to provide necessary foodstuffs and clothing, but also its attempt to maintain the individual dignity of the recipients. First, small grant aid is provided to those members of the Jewish community who earn less than 1,200 lei per month (about \$100). This money is sent by mail so that the poor are required to stand in line. Second, price scales at the Jewish restaurants allow the poorer to pay less than others. Because vouchers are obtained in advance, however, no one at the same table knows how much another has paid for the same meal. Third, gift packages of sugar, pasta, honey, cheese, eggs, canned meat and other household necessities are distributed for six holidays yearly at central distribution centers in Bucharest and in the provinces. Each recipient is assigned a particular pickup time in advance and, therefore, does not have to wait in line.

Among the other services provided by the Joint Distribution Committee is a meals-on-wheels program in Bucharest, serving 400 hot meals daily mostly free of charge and a country-wide network of kosher restaurants, serving 2,500 meals daily which are two-thirds subsidized; home care for assistance in cleaning laundry and other household needs; medical care, with 10 doctors in Bucharest and 24 doctors in provincial towns with populations over 100 assigned to the Jewish community, and with medication provided free of charge; and institutional old-age care, with three old age homes offering 320 beds in Bucharest, a nursing home built in 1979 offering 200 beds in Bucharest, and four old age homes offering 108 beds in the provinces.

The Joint Distribution Committee's programs are well organized. Moreover, it was confirmed by Jews in the city of Cluj, Transylvania that essential assistance is available regularly in the provinces—a strong indication that the program is effective. With a Jewish community whose total numbers are declining because of emigration and aging, in the years ahead the remaining Jewish community will consist of increasing numbers of elderly and needy Jews who will have grown to believe that the Joint Distribution Committee of Bucharest will be prepared to take care of their basic needs. However, since the current arrangement is an informal one based entirely on Rabbi Rosen's personal relations with the Romanian Government, there is cause for some concern about operations in the post-Rosen period.

Rabbi Rosen is controversial for many reasons. As a member of the Grand National Assembly and as a State-approved religious leader, he must walk a fine line. Indeed, the 35-year record of emigration and

the well-organized programs of the Joint Distribution effort show that he has succeeded where others may not have. The Romanian Government, in fact, benefits from favorable publicity of his efforts and, moreover, from being relieved of the burden of supporting the elderly and needy Jewish community. While critics say that the Chief Rabbi has brought controversy upon himself by his actions and by his self-promotion, admirers—including the Rabbi himself—call him “the right man in the left place.”

Other observers believe that the Chief Rabbi's December 1982 statement that the education tax would exempt Jews leaving for Israel could unfortunately provide the basis for anti-Semitic expressions in Romania. The Rabbi initially defended his statement by pointing out that there had been no evidence through January 1983 that the tax would apply to Jews leaving for Israel. Furthermore, he disavows the belief that anti-Semitism exists in Romania. He suggests that Romanians are accustomed to the idea that Jews in Romania do not have special positions and that they do not face double loyalties, and that the average Romanian understands the suffering and losses of the Jewish community in the Holocaust.

THE BAPTISTS

There are 160,000 members of the Baptist Union in Romania, making this the third largest number in Europe after the U.S.S.R. and Great Britain. There are 1,000 Baptist churches around the country which are served by 200 pastors assisted by 1,000 deacons. According to the Baptist Union leadership, church membership grows by 6,000 per year, with increasing numbers of young Baptists a special source of pride.

The staff delegation met with the President of the Baptist Union, Cornel Mara. Mara is the national leader, although there are regional Baptist associations and officers who comprise a second level of leadership in the church. The Baptist Union is a union of the regional associations.

The process of electing officers begins in the churches, whose congregations select delegates to the general assemblies of the regional associations. These delegates convene to elect leaders of the regional associations who are delegates to the Baptist Union Congress. The Congress elects from among these delegates the executive leaders of the Union, including the President who serves a 3-year term. The President and other executive leaders cannot assume office until they receive a letter of recognition and approval from the Department of Cults.

At present, there is a crisis between the Baptist regional associations, the Baptist Union and the Romanian Government. The Department of Cults refused to recognize and approve of two regional Baptist leaders, and the two resisted relinquishing their positions.

Therefore, it was expected that the State-approved leadership of the Baptist Union would present a generally noncontroversial, favorable review of Baptist life in Romania. However, in their meeting with the staff delegation in the presence of a representative of the Romanian Foreign Ministry, the Baptist leadership candidly discussed many of the problems facing Baptist believers in Romania. In fact,

the leadership bravely volunteered information on many problems, rather than only responding to inquiries.

The Baptist leadership identified several areas in which the Romanian Government has prevented it from achieving desired freedom to practice the Baptist faith. The Romanian Government has authority to approve the number of students who can study in the Baptist seminary each year after pro forma consultation with the Baptist Union leaders. In 1980, 21 new students were being trained for the priesthood. In 1981, there were 10 new students, and in 1982, only 5 students were approved for study in the seminary. The Baptist leadership requested permission for 20 new students to begin in 1983 because of growing interest by Baptists who want to become pastors. The government approved none.

The Romanian Government also holds the authority to authorize the importing and printing of Bibles. The Baptists, whose religion is evangelical, would like each Baptist believer to have an individual Bible. At present, each family unit has its own Bible, and, therefore, the Baptist leadership last year requested permission for the printing of 25,000 new Bibles. The government has approved none to date, although the Minister of Cults promised that the government would permit the printing of 30,000 Bibles for the Baptists this year. As for Bible importation, the Minister of Cults has said that imports have not been permitted since late 1982 because of what the Minister described as "abuse". He promised that the Ministry "will print the number of Bibles requested" by the religious groups.

The Baptists are clearly out of favor with the Romanian Government. They are perhaps the religious group most harassed because they are the most evangelical and, therefore, are perceived as a threat to the State. Other officially recognized Protestant groups, such as Pentecostals and Seventh Day Adventists, are also harassed when they seek converts.

In the fall of 1982, 66 Baptists pastors signed a petition to President Nicolai Ceaucescu seeking greater freedoms for their church, including permission to import and print Bibles, control of church funds, and increased opportunity for the training of sufficient numbers of pastors. The Minister of Cults stated that the Romanian Government does not intend to respond to the petition because it is viewed as an improper way for religious groups to raise their concerns. The Minister also stated that he views the letter as an anti-State provocation.

The staff delegation raised concern for the Mihai Bravu Baptist Church. The pastor, Ion Talos, has sought publicity and assistance in the West for his desire to expand or relocate his church in Bucharest. The Romanian Government has planned a major new highway through the existing structure. Talos provoked official ire by building an extension to his church without a license. Additions to church structures are allowed only with the approval of the Minister of Cults. The delegation visited both the existing structure and a building offered by the Department of Cults as the new site for the church. Both structures are in poor condition and are clearly too small for the congregation. The new structure is currently used as a residence for a dozen people. Considerable renovation, also requiring State approval and attention over a period of time, would be required in order to remodel the building as a church.

THE ROMAN CATHOLIC SITUATION

The staff delegation met with Monsignor Francisc Augustin who heads the Roman Catholic Archdiocese in Romania. There are 1.2 million Roman Catholics in Romania and two archdioceses are recognized, one in Bucharest and one in Alba-Iulia. There were five archdioceses recognized several years ago and currently, there are discussions between the Vatican and the Romanian Government again to increase the number of dioceses to five.

The Monsignor stated that Roman Catholics enjoy freedom to worship and have the necessary provisions for worship. He said that every Roman Catholic who wants a Bible has one but noted that the last printing of Bibles occurred in the late 1970s and totalled 30,000 books. There are theological seminaries in Bucharest and in Alba-Julia, but reports have continued to come to the attention of the West that students enrolled in the seminaries are harassed.

Monsignor Augustin said that the church requires about \$700,000 to restore churches damaged in the 1977 earthquake. He said most of the financial needs of the church are met by contributions from Roman Catholics in Romania.

Monsignor Augustin handles daily affairs of the Roman Catholics. He is not involved in other matters, including the discussions between the Vatican and the Romanian Government with regard to the Uniate Church outlawed along with many other churches in 1948. Like the Roman Catholics, the Uniates recognize the Pope as head of the church and the Vatican, therefore, is seeking to negotiate more rights for Uniates. Unlike the Catholics, they practice rites similar to the Orthodox. Some Uniates try to participate in the Roman Catholic Church.

THE ETHNIC GERMAN SITUATION

Since many ethnic Germans in Romania want to make new homes in the Federal Republic of Germany, a main concern of the remaining community is not so much the quality of their life in Romania, but rather the pace of emigration. Today, there are about 350,000 ethnic Germans in Romania. Prior to World War II there were about 800,000 of whom about 370,000 survived World War II. Emigration to the Federal Republic has been balanced since World War II by the growth of the ethnic German community.

Of the 350,000 ethnic Germans, about 150,000 are practicing Lutherans. About a third of them live in villages, and the remainder are in the German cities of Sibiu, Braszov, Timisoara, and Arad, among others. According to the Lutheran Bishop in Sibiu, there are 187 parishes, a sixth of which are vacant. There are 153 pastors for the 187 parishes.

According to the Bishop, more Germans should be permitted to study for the priesthood in order to fill the available parishes. However, the Romanian Government has limited the number of seminarians who can be trained at the theological institute. In 1980 10 new students were approved; in 1981, there were 5; in 1982, just 2 were approved for entry into the seminary.

In addition, the government has restricted the number of Bibles which can be printed or imported. The Bishop frankly noted that if the German community requested 10,000 Bibles, it might get approval

for 4,000 or 5,000 Bibles. Also, pastoral training books are imported from the Federal Republic of Germany for each pastor. Last year, between 100-200 books were allowed for the 153 pastors.

The Bishop said that the Lutheran German community is fighting continually for increased enrollment in the seminary and more books, but the community believes that God will strengthen it. The Bishop said these struggles are a "sad but inevitable" part of Lutheran life in Romania. He added that measures of a centralized state are dangerous for minorities because a centralized government cannot be sensitive to each minority's concerns and special needs. The Bishop told the delegation that the ethnic Germans, most of whom were farmers, have a natural abhorrence for any government that deprives the individual of the right to own land. As a result of this German cultural characteristic, most ethnic Germans wish to resettle in the Federal Republic of Germany.

THE ETHNIC HUNGARIAN SITUATION

A majority of the population of Transylvania is ethnic Hungarian. Hungarian organizations count over one and a half million Hungarians in northern Transylvania and another million throughout the rest of the region, but official Romanian Government figures place the total number much lower (1.7 million). This dispute over numbers reflects the historical battle over Transylvania. Control of the region has swayed between Hungary, Romania and various empires. Hitler awarded Transylvania to Hungary in 1940 for Hungary's support of the Axis, and Transylvania was returned after the war to Romania. Many Transylvanians still have family and friends in Hungary.

About half of the ethnic Hungarians in Transylvania are Hungarian Reformed, a church which is similar in theology to the Calvinist Church. Most of the remainder are Catholics, and a very small number of mostly elderly Jews remain.

Over the postwar years, there has been evidence of recurring unrest within the Hungarian minority in Romania and frequent complaints over Romania's restraints on ethnic Hungarian ties with family and friends in Hungary and limitations on educational, housing, employment, cultural and religious opportunities.

It is difficult in a brief visit to confirm that the Hungarian minority is subject to "cultural genocide," as some have charged. However, many observers believe that the Romanian Government has grown more sensitive to the situation. The Romanian Government presents the impression that it takes the criticisms seriously. First, official Hungarian reports of Hungarian discussions with Romanian officials note that the situation regarding the ethnic minority is a subject of bilateral discussions. Second, the Romanians are eager to offer visitors who express an interest in the ethnic Hungarian situation with a pamphlet, "The Truth about the National Question in Romania," in which most of the photos and much of the text concern the Hungarian (Magyar) situation. Ethnic Hungarians in the Grand National Assembly and in the local People's Councils are also highlighted. Third, in a meeting with the staff delegation, a Romanian Foreign Ministry official asked for "advice on how to solve the public relations problem regarding the ethnic Hungarians." Romania's recognition that the Hungarian situation presents public relations problems is an im-

portant sign insofar as recognition of the problem is a prerequisite to a serious attempt to resolve it.

In October of 1982, the editors of an underground publication *Ellenpontok* (Counterpoint) published a memorandum proposing a course of action for the participants of the Madrid Conference reviewing compliance with the Helsinki Final Act. The Romanian Government has officially claimed that the document, the eighth product since December 1981 published under *Ellenpontok's* name, is produced outside of Romania in Hungary. Others say that it is indeed a product of dissenting intellectuals in Transylvania itself. In any event, it is the first underground publication to appear in Romania and is a sign of continuing ferment among intellectuals in the region.

The document states that the forced Romanization of Transylvania and suppression of the Hungarian culture is being carried out with unprecedented vehemence. Among other charges, it states that the Hungarian language school system is gradually being destroyed, additional obstacles are being created to hinder the publication of Hungarian books and periodicals, the Hungarian language is being forced out of public life entirely, and vigorous efforts are being made to prevent contact between the ethnic Hungarians in Transylvania and Hungarians elsewhere. The authors of the document request the Madrid Conferees to take steps to grant the ethnic Hungarians the right to regard themselves as bound to the entire Hungarian people, the right to preserve their ethnic identity and values, and the right to establish an independent organization to protect ethnic Hungarian interests. The authors also request that an independent international commission be established to examine their situation and supervise the implementation of these proposals.

Romanian officials denied that the restrictions on travel and limitations on educational, housing, employment, cultural and religious opportunities are targeted especially toward the ethnic Hungarians. Rather, Romanian officials argued that there are adequate opportunities for Hungarians in all areas and, furthermore, that all regulations apply equally to ethnic Romanians and to the ethnic minorities.

However, the staff delegation noted that several regulations are particularly offensive to the Hungarian minority because of their culture. In particular, it can take as long as a year or more for passports to be granted to Romanian citizens for foreign travel. Also, a Romanian law forbids the accommodation of foreign friends in the homes of Romanian citizens, and requires that foreign friends register with the government and stay in Romanian hotels. In addition, the importation of foreign newspapers and periodicals is strictly curtailed. These national regulations apply in all regions of Romania and for all Romanian citizens. The Hungarian community, however, is a very tight-knit community. Ethnic Hungarians take great pleasure in extending hospitality to their relatives and friends and in making personal visits to other Hungarians in Hungary who share their traditions and their culture. Consequently, ethnic Hungarians in Romania find that these national restrictions on contacts with foreigners and foreign publications are particularly troublesome.

Romanian officials denied other charges made in the *Ellenpontok* publication. Officials claimed that every Hungarian child has an equal

opportunity to study in his own language as Romanian children have an opportunity to study in Romanian.

The human rights organization, Helsinki Watch, reported that three of the editors of *Ellenpontok* were arrested or detained in a roundup November 6-7, 1982 in Cluj and Oradea. Amnesty International also reported the arrest of the three, including the internationally regarded young poet, Geza Szocs, and urged since then that concern be expressed in the West about his reported arrest. The Foreign Ministry denied that Geza Szocs was taken into custody and stated flatly that he is a free man.

The staff delegation noted that the Hungarian Reformed Bishop Naj had apparently been briefed on the particular questions of interest to the staff delegation prior to his meeting. The discussion with the Bishop showed that he had coordinated closely his statements with those of the Foreign Ministry. For example, although many have expressed concern about Geza Szocs, the Bishop claimed not to have heard of any roundup and further claimed never to have heard of the poet. The Bishop also stated his complete satisfaction with the quantity of Bibles and the freedom of preaching in his church. However, he did note that a few years ago, more newspapers and periodicals printed in Hungary had been appearing in Transylvania but that in recent months, many fewer had been received. The Bishop stated that he opposes this reduction.

POLITICAL AND RELIGIOUS EXPRESSION IN CZECHOSLOVAKIA

GENERAL BACKGROUND

Political, social and economic conditions in Czechoslovakia today are shaped largely by the events of 1968 and 1969. In the first 8 months of 1968, a period known as the "Prague spring," the Communist government under the leadership of Alexander Dubcek sought to improve the lives of the people of Czechoslovakia through political, social and economic reforms. An action program adopted in April of 1968 set guidelines for the introduction of democratic elections, economic reforms, and fundamental freedoms such as freedom of speech, press, assembly, and religion. This experiment in "Socialism with a human face," which received broad popular support, was brought abruptly to an end when Soviet and Warsaw Pact forces invaded Czechoslovakia in August 1968. In the wake of this invasion, Gustav Husak, a hardliner from Slovakia, the eastern region of Czechoslovakia, came to power with Soviet support.

The Husak regime embarked upon a program of "normalization" in which Czechoslovakia's domestic and foreign policies were brought into close alignment with those of the Soviet Union. Reformers in the Party, government, media, schools and other institutions were replaced by individuals who were both pro-Soviet in foreign affairs and hardline Communists. Reforms of the Dubcek era were rescinded and strict control was reestablished over the media and the population. In an effort to justify and legitimize its existence and to buy quiescence from the people, the regime instituted economic reforms designed to improve the quality of material life. As a result, the standard of living in Czechoslovakia has been and continues to be one of the highest in Eastern Europe.

Since 1980, the economy of Czechoslovakia has experienced a decline in the growth rate which has been accompanied by a downturn in the standard of living. Prices have risen and shortages of food and fuel have occurred. The economic situation raises a question about the regime's ability to provide consumer goods in return for unquestioned obedience from the population. The government has responded by instituting a modest set of reforms which do not threaten the socialist system or undermine the basic structure of Czechoslovakia's centrally planned, command economy. Apparently the Husak regime, which has served since 1969 at the pleasure of the Soviet Union, has learned the lesson of the "Prague spring" well: major reforms carry unacceptable political risks.

HUMAN RIGHTS

Although it is a signatory to the Final Act of the Conference on Security and Cooperation in Europe (the Helsinki Final Act) and a party to various international agreements on human rights including the United Nations Covenant on Civil and Political Rights, Czechoslovakia has one of the worst human rights records in Eastern Europe. Laws, administrative regulations and practices effectively restrict and in some cases deny fundamental freedoms and basic rights which the people of Czechoslovakia are guaranteed under international law, the Czechoslovak Constitution and Czechoslovak laws.

Civil and political rights

While the physical integrity of the individual is generally respected, genuine freedoms of speech, press, assembly and association do not exist in Czechoslovakia. Open criticism of the Communist Party or the government and its policies is discouraged through the use of surveillance, censorship and other techniques. Under Czechoslovak law, it is illegal for citizens to possess printing presses or copying machines; duplication of "subversive" materials is a criminal offense. In an effort to prevent an influx of information from the West, the State denies the average citizen access to Western periodicals and Czechoslovak citizens confirmed that the State jams Radio Free Europe (although not Voice of America) broadcasts in the heavily populated city of Prague. In spite of these policies, news from the West is obtained through the Voice of America, Western radio and television stations in the areas that border Austria and West Germany, Radio Free Europe (which is not jammed outside of Prague), and newspapers that are smuggled into the country.

Freedom of assembly and association is restricted by the requirement that permission must be obtained from the police for public meetings. Professional associations, labor and trade unions, like the media, are controlled by the State and serve the needs of the Party. Thus, these organizations do not provide a forum for spontaneous discussion of governmental policies and procedures. Although the Czechoslovak Constitution guarantees freedom of assembly in order that citizens may "take an active part in the administration of the state and in the economic and cultural development of the country", in practice, genuine public debate on domestic and foreign policies is forbidden and the people of Czechoslovakia (with the exception of a few high Party

officials) are denied the opportunity to participate meaningfully in the political and economic decisionmaking processes.

Freedom of movement within Czechoslovakia is subject to few restrictions, but travel to other Eastern European states and to the West has become increasingly difficult in recent years. For example, a large amount of currency must be changed in order to cross the border into Hungary. Special passports must be obtained to go to Yugoslavia—the state through which most illegal emigration from Czechoslovakia occurs. Travel to the West is restricted through a variety of measures including the requirement that a close relative remain in Czechoslovakia, undoubtedly to ensure the return of the traveler.

In family reunification cases, the government allows its citizens to emigrate, but Czechoslovak citizenship may be taken away in the process. For members of a society that is characterized by deep cultural pride and a strong sense of nationalism, loss of citizenship can be a severe penalty to pay for emigration.

In general, most of the ethnic groups in Czechoslovakia—that is, Czechs, Slovaks, Hungarians, Ukrainians, Germans, Poles, and Gypsies—do not want to leave. However, in 1982 there was an increase in illegal emigration from Czechoslovakia which may be a direct result of the deteriorating economic situation. Diplomatic observers suggest that the people of Czechoslovakia might be leaving because they think they are likely to be denied educational opportunities or to have a lower standard of living in the future.

Religious rights

Traditionally, religion has been an integral part of life in Czechoslovakia. Approximately 75 percent of the people belong to the Roman Catholic Church, which is well established in Slovakia. Catholicism is the root of nationalism in Slovakia, and the Slovaks, like the Poles, actively pursue a religious life. Many of the remaining 25 percent of the population, the ethnic Czechs in particular, embrace Protestantism. Religious believers who are not Roman Catholic or Protestant follow a variety of faiths including Greek Catholicism, Eastern Orthodoxy and Judaism. Prior to World War II, there was a flourishing Jewish community in Czechoslovakia of about 160,000 which was reduced to approximately 10,000 as a result of Nazi persecution and emigration. According to Czechoslovak officials with whom the staff met, there are 18 religious sects in Czechoslovakia.

In theory, the people of Czechoslovakia are guaranteed freedom of religious belief and freedom to practice religion by the Constitution. In reality, these freedoms are severely limited by the State, which has established total control over religious activities through a combination of laws, regulations and practices.

The religious sects that operate in Czechoslovakia do so only with the approval of the State. The Mormon Church and the Jehovah's Witnesses, two sects which refuse to swear allegiance to any state, have been explicitly outlawed. Reportedly, there has been some harassment of individuals who have attempted to practice these religions.

Religious offerings are collected, but the State is the primary source of financial support for the churches. In return for this support, each church must submit annual budgets and financial reports. Decisions on restoration and maintenance of church buildings are controlled by the

State through the appropriation of funds. Czechoslovak officials indicated that the government spent 210 million Czechoslovak crowns (approximately U.S. \$21 million) on church restorations in 1982. The staff delegation has the impression that the government views this as an investment in cultural rather than religious preservation. Theological schools, presently six in number, are maintained by the State but only for major religions. Theological students from the smaller sects are trained at these schools or are sent abroad. For example, Baptists study at the Protestant facility and then go to Switzerland or Hungary for another year of training. The State exercises control over the number of candidates to be admitted to these schools. In recent years, the numbers have decreased. Czechoslovak officials confirmed that there are no special facilities for the religious training of Jews.

All clergy except Seventh Day Adventists, who do not accept salaries, are on the State payroll and must be licensed by the State in order to be assigned to a parish or congregation. The licensing system enables the government to control the clergy through the power to limit or revoke licenses for those who overstep the narrow boundaries of permissible religious activities. In addition, the government has the authority to demand the removal of any member of the clergy. Czechoslovak law allows the government to fill a church office that has been vacant for more than 30 days, and to control religious education by authorizing the printing and distribution of religious literature. Conviction for illegal importation, printing or distribution of religious literature can result in imprisonment for up to 5 years.

THE CATHOLIC CHURCH

The Husak regime has waged a continual campaign to minimize the role of religion in Czechoslovakia. This campaign intensified after the signing of the Helsinki Final Act. Although religious controls have been used against all sects, the Catholic Church has been the regime's primary target.

Catholic priests and lay believers have been subjected to house searches, harassment, detention, arrests and imprisonment. With the birth of Solidarity in Poland, the Czechoslovak Government cracked down harder on Catholic religious activities. For example, in October 1981, Jesuit priest Frantisek Lizna was sentenced to 20 months in prison on charges of illegally publishing and distributing religious material. In March 1982, his sentence was extended for an additional 7 months for allegedly providing information about churches in Czechoslovakia to two German priests. In April of last year, Father Joseph Barta received an 18-month sentence allegedly for "obstructing state supervision of religion." Reportedly, Father Barta died before being transferred from his place of detention to prison. Father Gabriel Povala of Slovakia was imprisoned for 8 months on the charge that he tried to influence young people to lead more religious lives. Last August, the government interrogated some 150 young Catholics in Bratislava for a period of 8-11 hours each and detained some of them for 2 days without charge.

These actions suggest that the government genuinely fears that the Catholic Church has the potential to develop the kind of political

influence in Czechoslovakia that it now has in Poland. Czechoslovak officials alluded to this fear in discussions with staff about the "secret church" in Czechoslovakia—that is, Catholic priests and bishops who have not been approved by the State but are sanctioned and "blessed" by the Vatican and conduct services in private.

The Czechoslovak Government has tried to undermine the appeal of the Catholic Church, both official and "secret", through the establishment of a pro-government organization of Catholic priests and senior clergy known as "Pacem in Terris." Many priests withdrew from this organization, which had a relatively small membership to begin with, upon learning of the Vatican's decree of March 8, 1982 which circumscribes political activity by priests. The Czechoslovak Government has vehemently rejected the implementation of the decree in Czechoslovakia and continues to wage an extensive public campaign to convince priests that Pacem is not covered by the decree.

According to U.S. Embassy officials, there are 1,000 Catholic parishes without priests because the Vatican and the government have agreed on few candidates for the priesthood in the past 10 years. This situation suits the government's strategy of letting higher clergy disappear and forces many priests to practice without licenses. Unlicensed priests face the added threat of being charged as "parasites" for not working, since in the State's view, a priest cannot be working as a priest unless he is licensed.

Czechoslovak officials told the staff delegation that "interest in religion has declined in Czechoslovakia." Undoubtedly, the government's anti-religious campaign is designed to achieve this end. U.S. Embassy officials note, however, that church participation continues to be high in Roman Catholic areas such as Slovakia despite the government's campaign.

DISSENT

In response to flagrant violation of human rights by the Czechoslovak Government, the Charter '77 movement was formed in January 1977. Charter '77 is an unofficial movement composed primarily of intellectuals who have been joined by some students and workers. Even though the Chartists hold varied political and religious views, their common goal is to persuade the Czechoslovak Government to abide by its Constitution and laws and to fulfill international commitments regarding human rights and fundamental freedoms. In an effort to achieve this end, the Charter has issued hundreds of documents on the human condition in Czechoslovakia and, more recently, on a wide range of issues including the situation in Poland and economic conditions in Czechoslovakia.

Charter '77 is not a political movement designed to change the existing socialist system in Czechoslovakia but rather a legal movement. In this regard, it does not pose a threat to the government in the way that Solidarity has to the Polish Government. Nevertheless, the Czechoslovak Government has systematically repressed, harassed, detained and imprisoned many of the Charter's most vocal members in an effort to prevent further public criticism of the government's compliance with international and domestic laws.

The Committee for the Defense of the Unjustly Persecuted [VONS] was formed late in 1977 in reaction to the government's treatment of

the Chartists. VONS is dedicated to exposing the illegal actions of the Czechoslovak Government against human rights activists. Like Charter '77, VONS issues documents on the government's abuses of the judicial system and of the civil and human rights of Czechoslovak citizens. Members of VONS also have been severely persecuted by the government in an effort to suppress the group.

The Government of Czechoslovakia, as indicated earlier, has waged an intense campaign against religious activists. In March 1982, Charter '77, which has a religious component, addressed an appeal on religious freedom to the Czechoslovak Government. The document called on Czechoslovak authorities to adopt an 11-point program on freedom of religion in accordance with the provisions of the Helsinki Final Act on this subject. The appeal has been ignored and the anti-religious campaign continues.

The Husak regime has demonstrated little, if any, tolerance for human rights activism or any other form of dissent. The regime has used a variety of judicial and nonjudicial measures to silence those who have criticized its policies and to dissuade others from doing so. Chartists and other activists are subjected to difficulties finding employment, apartment searches, intense surveillance, expulsion from professional associations which is usually accompanied by loss of job, suspension of driving licenses, interrogations, "treatment" in psychiatric institutions, detention without charge, arrests, trials, and imprisonment. Their children are often denied educational and economic opportunities, and their families are subjected to harassment.

The intensity of the campaign against human rights activists fluctuates between harassment and threats of punishment, on the one hand, to trials and imprisonment on the other. Generally, imprisoned activists are not physically abused or treated differently from other prisoners. They are expected to serve their full sentences at the end of which they are told to reform and sometimes offered an opportunity to leave the country. The Government of Czechoslovakia, unlike that of the Soviet Union, has relied upon emigration as a means of undermining the strength of Charter '77 and VONS. Reportedly, the government tries to force activists into exile by making it clear that they will continue to be punished for human rights activities if they choose to stay. Not surprisingly, activists who emigrate are generally stripped of their citizenship and denied the right of repatriation.

Human rights activism continues in Czechoslovakia despite the government's efforts to suppress it. Although Charter '77 and VONS have been hurt to some extent by the forced exile of some of their members, these groups continue to function and publish documents. Chartists and VONS members generally do not want to leave Czechoslovakia and are strongly committed to the goal of forcing the Czechoslovak Government to abide by its commitments regarding human and political rights. They are willing to sacrifice, albeit with sadness and regret, chosen careers and personal and family privacy in order to improve the quality of life in their country. They want their efforts known in the West and seek the moral support of the West. In view of the dedication and unity of these courageous individuals, there is no reason to believe that either Charter '77 or VONS will disband in the near future. The delegation has the strong impression that the struggle for a better life will continue in Czechoslovakia even in the face of persecution and repression by the government.

UNITED STATES-CZECHOSLOVAK RELATIONS

Traditionally, there has been a close relationship—"ties of blood and history" in the words of the U.S. Ambassador to Czechoslovakia, Jack Matlock—between the United States and the people of Czechoslovakia. Not only was the United States instrumental in the formation of the state of Czechoslovakia at the end of World War I, but also there are substantial Czech and Slovak communities in the United States that have strong cultural and family ties with Czechoslovakia.

Since the Communists assumed power in Czechoslovakia in 1948, relations between the two nations have been plagued with problems. Today, they are extremely poor. Violations of human rights by the Czechoslovak Government are a major obstacle to the improvement of relations. In bilateral discussions, at the Madrid Meeting of the Conference on Security and Cooperation in Europe, and at other forums, the United States Government has emphasized the need for Czechoslovakia to fulfill obligations undertaken in the Helsinki Final Act, the United Nations Covenants on Human Rights, and other international agreements in the area of human rights.

Another irritant in the relationship is Czechoslovakia's recent unwillingness to issue visas to Americans who desire to visit relatives in Czechoslovakia. In the past, U.S. citizens (including illegal emigrants from Czechoslovakia who subsequently became U.S. citizens), were generally able to obtain Czechoslovak visas with ease. In 1982, however, the Czechoslovak Government refused more visas for this type of visit than in previous years. The staff delegation raised this problem with Czechoslovak officials and stressed that members of the U.S. Congress and the American public hoped that this policy could be reversed as soon as possible.

There are indications that the Government of Czechoslovakia would like to improve relations with the United States. Diplomatic observers note that Czechoslovakia would like to have MFN but doubt that the Czechoslovak Government would make the assurances on emigration required by the Jackson-Vanik Amendment. Moreover, any discussion of this question is precluded by the poor state of relations. Notwithstanding the "ties of blood and history" and the warm feeling that the people of Czechoslovakia have for Americans, a better political relationship can develop only if Czechoslovakia demonstrates a genuine willingness to accord its citizens basic human rights and fundamental freedoms.

APPENDIX A

ROMANIAN DECREE ON EMIGRANTS REIMBURSING STATE

[Text] Decree of the State Council of the Socialist Republic of Romania on obligations of persons requesting and being granted permission to emigrate to pay in full their debts to the state, socialist organizations and private persons and to repay certain state education costs:

Within the overall party-state policy of continuously raising all the people's living standard, important funds are earmarked for free education in all grades, free medical care and a broad system of social insurance and assistance for all the fatherland's citizens.

To cover these expenses—in keeping with principles of socialist ethics and equity—those persons who leave the country for good shall compensate society for material efforts invested in their education and specialized and advanced studies, and for other services available to them until their departure from the country.

In this respect, the State Council of the Socialist Republic of Romania decrees:

Article 1. Persons requesting and being granted permission to emigrate are required to pay in full their debts to the state, socialist units and other organizations.

They are also required to remit in full maintenance payments and other debts to private persons.

Article 2. Persons who have been granted permission to emigrate are *required* to repay the Romanian state, in hard currency, the expenses incurred in their education and in specialized and advanced studies, including scholarships, as well as in high schools, higher education institutes and postgraduate and doctorate courses.

The amounts due will be established by applying the fees envisaged by law for foreigners studying at their own expense in the Socialist Republic of Romania.

The provisions of the current decree do not apply to persons who, at the date of the approval of their application for final departure, meet the age stipulations envisaged by law for receiving work pensions or old age pensions.

Article 3. Payment of debts to the state, socialist units and other organizations and of maintenance pensions and other debts to private persons as well as repayment of expenses for education, and specialized and advanced studies shall be made after the application to emigrate has been approved and before the passport has been issued.

Article 4. From the date of approval of their emigration application until their actual departure, the persons envisaged in Article 1 shall pay in hard currency all medical expenses, taxes and tariffs for tourist services; and any other taxes and tariffs paid, according to the provisions of the law, by foreigners who do not reside in the Socialist Republic of Romania.

Article 5. Buildings and land belonging to emigrating persons shall pass into state ownership, according to the provisions of the law.

Article 6. Assets that are part of the national heritage that belong to persons whose emigration application has been approved shall be compulsorily sold to the state at a price established by the Central State Commission for the National Cultural Heritage.

Article 7. In the case of persons who left the country illegally or who failed to return home on expiry of the deadline for their stay abroad, the repayment of expenses for their education and specialized and advanced studies shall be gained by legal means, by suing against their assets and other rights either at home or abroad, until the debt has been paid back in full.

Article 8. Repayment of expenses, including scholarships, as well as payment of the taxes and tariffs envisaged in Articles 2 and 4 shall be made in hard currency, by bank transfers or directly in hard currency and checks.

[Signed] Nicolae Ceausescu, president of the Socialist Republic of Romania, in "Scintela" November 6, 1982.

APPENDIX B

The following individuals met with the staff delegation prior to the delegation's trip to Romania and Czechoslovakia:

State Department:

Ronald Neitzke, Czechoslovak Desk Officer.
Jonathan Rickert, Romania Desk Officer.
Judith Buncher, human rights officer.
Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs.
Bill Farrand, Deputy Director, Office of East European and Yugoslav Affairs.
Bob Farlow, Office of Analysis for the Soviet Union and Eastern Europe, Bureau of Intelligence and Research.

Commerce Department:

Jay Burgess, Acting Director, East European Division, International Trade Administration.
Edgar Fulton, Romania Desk Officer, East European Division, International Trade Administration.

Non-governmental officials:

William Korey, Vice President, B'nai B'rith International.
Jeri Laber, Executive Director, Helsinki Watch.
American citizens of Czechoslovak and Romanian descent.

Intelligence officials:

The following individuals held meetings with the staff delegation in Romania and Czechoslovakia:

Romania:

Maria Groza, Deputy Minister of Foreign Affairs.
Mircea Racheanu, Counselor, Ministry of Foreign Affairs.
Ion Chioveanu, Director for the Americas, Ministry of Foreign Trade.
Emil Timofel, Diplomatic economist (U.S. affairs), Ministry of Foreign Trade.
Stan Soare, Chairman of the Educational, Scientific and Cultural Committee, Grand National Assembly.
Iuliu Fejes, Secretary of the Working People of Hungarian Nationality Council, Grand National Assembly.
Eduard Eisenburger, Chairman of the Working People of German Nationality Council, Grand National Assembly.
People's Council, Cluj County.
People's Council, Sibiu County.
Ion Rosianu, President, Department of Cults.
Justin Moisescu, Orthodox Patriarch.
Moses Rosen, Chief Rabbi.
Cornel Mara, President, Baptist Union of Romania.
Francisc Augustin, head of Roman Catholic Archdiocese.
Bishop Gyula Naj, Hungarian Reformed Protestant Church.
Bishop Albert Klein, German Lutheran Church.
Theodor Blumenfeld, President of the Jewish Communities of Bucharest.
Sam Edelstein, President of the Joint Distribution Committee.
Steve Kinyon, Branch Manager, Manufacturers Hanover Trust, Bucharest.
Peter Bensch, Minister-Counselor, Embassy of the Federal Republic of Germany.
Zvi Brosh, Ambassador of Israel.
Ambassador David Funderburk and U.S. Embassy personnel.

Czechoslovakia:

Vladimir Janku, head of the Federal Secretariat for Religious Affairs.
Karel Hruza, former head of the Federal Secretariat for Religious Affairs.
Zdenek Kamis, Acting Director, 6th Department, Ministry of Foreign Affairs.
Ambassador Jan Pudlak, Director, Institute of International Relations.
Milan Vrskovy, Deputy Director-General, Czechoslovak Commercial Bank.
Frantisek Kouril, Government Press Spokesman.
Ambassador Jack Matlock and U.S. Embassy personnel.